



General Assembly

January Session, 2011

**Substitute Bill No. 955**

\* SB00955JUD 041511 \*

**AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-84a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) The Commissioner of Correction shall require each inmate  
4 sentenced to a term of incarceration by a court of this state to  
5 accumulate savings to be paid to the inmate on the inmate's  
6 [discharge] release from incarceration by establishing a discharge  
7 savings account on behalf of the inmate. Any inmate sentenced to a  
8 term of incarceration by a court of this state but confined in a facility  
9 outside this state shall be exempt from such requirement while  
10 confined in such facility.

11 (b) For the purpose of establishing such discharge savings account,  
12 the commissioner may impose a deduction of up to ten per cent on all  
13 deposits [made] credited to the inmate's individual account, provided  
14 the commissioner (1) [transfers] credits such deduction to the inmate's  
15 discharge savings account, and (2) ceases imposition [and transfer] of  
16 such deduction whenever the amount in the inmate's discharge  
17 savings account [is equal to] equals one thousand dollars.

18 (c) [If] Whenever the amount in the inmate's discharge savings  
19 account [is equal to] equals one thousand dollars, the commissioner  
20 shall impose a deduction of ten per cent on all deposits [made]

21 credited to the inmate's individual account to the extent necessary to  
22 reimburse the state for the costs of the inmate's incarceration pursuant  
23 to section 18-85a, as amended by this act, and the regulations adopted  
24 pursuant to said section. [18-85a.]

25 (d) Disbursement to the inmate from the inmate's discharge savings  
26 account upon the inmate's release from incarceration shall not be  
27 reduced by any disbursement required by sections 18-85, as amended  
28 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

29 (e) The commissioner may adopt regulations, in accordance with the  
30 provisions of chapter 54, to implement this section.

31 Sec. 2. Section 18-85 of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective July 1, 2011*):

33 (a) The Commissioner of Correction, after consultation with the  
34 Commissioner of Administrative Services and the Secretary of the  
35 Office of Policy and Management, shall establish a schedule of  
36 compensation for services performed on behalf of the state by inmates  
37 of any institution or facility of the department. Such schedule shall  
38 recognize degrees of merit, diligence and skill in order to encourage  
39 inmate incentive and industry.

40 (b) Compensation so earned shall be deposited, under the direction  
41 of the [administrative head of such institution or facility, in an inmate's  
42 individual account] Commissioner of Correction, in an account in a  
43 savings bank or state bank and trust company in this state [, and funds  
44 from such account may be transferred to the inmate's discharge  
45 savings account pursuant to section 18-84a. Any amount in such  
46 accounts] or an account administered by the State Treasurer. Any  
47 compensation so earned shall be paid to the inmate on the inmate's  
48 [discharge] release from incarceration, except that the [warden or  
49 Community Correctional Center Administrator] commissioner may,  
50 while the inmate is in custody, disburse any compensation earned by  
51 such inmate in accordance with the following priorities: (1) Federal  
52 taxes due; (2) restitution or payment of compensation to a crime victim

53 ordered by any court of competent jurisdiction; (3) payment of a civil  
54 judgment rendered in favor of a crime victim by any court of  
55 competent jurisdiction; (4) victims compensation through the criminal  
56 injuries account administered by the Office of Victim Services; (5) state  
57 taxes due; (6) support of the inmate's dependents, if any; (7) the  
58 inmate's necessary travel expense to and from work and other  
59 incidental expenses; (8) payments to the inmate's discharge savings  
60 account under section 18-84a, as amended by this act; (9) costs of such  
61 inmate's incarceration under section 18-85a, as amended by this act,  
62 and regulations adopted in accordance with said section; and [(9)] (10)  
63 payment to the clerk of the court in which an inmate, [of a community  
64 correctional center, held] confined in a correctional facility only for  
65 payment of a fine, was convicted, such portion of such compensation  
66 as is necessary to pay such fine. Any interest that accrues shall be  
67 credited to any institutional fund established for the welfare of  
68 inmates. Compensation under this section shall be in addition to any  
69 compensation received or credited under section 18-50.

70 Sec. 3. Section 18-85a of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective July 1, 2011*):

72 (a) The Commissioner of Correction shall adopt regulations, in  
73 accordance with the provisions of chapter 54, concerning the  
74 assessment of inmates of correctional institutions or facilities for the  
75 costs of their incarceration.

76 (b) The state shall have a claim against each inmate for the costs of  
77 such inmate's incarceration under this section, and regulations  
78 adopted in accordance with this section, for which the state has not  
79 been reimbursed. Any property owned by such inmate may be used to  
80 satisfy such claim, except property that is: (1) Exempt pursuant to  
81 section 52-352b or 52-352d, except as provided in subsection (b) of  
82 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
83 acquired by such inmate after the inmate is released from  
84 incarceration, but not including property so acquired that is subject to  
85 the provisions of section 18-85b, 18-85c or 52-367c, and except as

86 provided in subsection (b) of section 52-321a; (4) acquired by such  
87 inmate for work performed during incarceration as part of a program  
88 designated or defined in regulations adopted by the Commissioner of  
89 Correction, in accordance with the provisions of chapter 54, as a job  
90 training, skill development or career opportunity or enhancement  
91 program, other than a program established pursuant to section 18-90b,  
92 as amended by this act, except that the commissioner may assess a fee  
93 for participation in any such program; or (5) [deposited in] credited to  
94 a discharge savings account pursuant to section 18-84a, as amended by  
95 this act, not in excess of one thousand dollars. In addition to other  
96 remedies available at law, the Attorney General, on request of the  
97 Commissioner of Correction, may bring an action in the superior court  
98 for the judicial district of Hartford to enforce such claim, provided no  
99 such action shall be brought but within two years from the date the  
100 inmate is released from incarceration or, if the inmate dies while in the  
101 custody of the commissioner, within two years from the date of the  
102 inmate's death, except that such limitation period shall not apply if  
103 such property was fraudulently concealed from the state.

104 Sec. 4. Section 18-101 of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective July 1, 2011*):

106 (a) When any [person] inmate to whom privileges have been  
107 granted under section [18-90b or] 18-100 is employed for  
108 compensation, the Commissioner of Correction or the commissioner's  
109 designee shall collect such compensation or require such [person]  
110 inmate to deliver to the commissioner the full amount of such  
111 compensation when received. The commissioner or [such] the  
112 commissioner's designee shall [deposit] credit such funds in trust in  
113 [an] the inmate's individual account and shall keep a record showing  
114 the status of the account of each [person. Compensation received by  
115 such person during such person's term of imprisonment shall not be  
116 subject to levy or attachment] inmate.

117 (b) On granting privileges to any [person] inmate under section [18-  
118 90b or] 18-100, the commissioner or the commissioner's designee shall

119 disburse any compensation earned by such [person] inmate in  
120 accordance with the following priorities: (1) Federal taxes due; (2)  
121 restitution or payment of compensation to a crime victim ordered by  
122 any court of competent jurisdiction; (3) payment of a civil judgment  
123 rendered in favor of a crime victim by any court of competent  
124 jurisdiction; (4) victims compensation through the criminal injuries  
125 account administered by the Office of Victim Services; (5) state taxes  
126 due; (6) support of such [person's] inmate's dependents, if any; (7) such  
127 [person's] inmate's necessary travel expense to and from work and  
128 other incidental expenses; [and] (8) payments to the inmate's discharge  
129 savings account under section 18-84a, as amended by this act; and (9)  
130 costs of such [person's] inmate's incarceration under section 18-85a, as  
131 amended by this act, and regulations adopted in accordance with said  
132 section. The commissioner shall pay any balance remaining to such  
133 [person] inmate upon the [person's discharge] inmate's release from  
134 incarceration including any amount [transferred] credited to a  
135 discharge savings account pursuant to section 18-84a, as amended by  
136 this act. Each [person] inmate gainfully self-employed shall pay to the  
137 commissioner the costs of such [person's] inmate's incarceration under  
138 section 18-85a, as amended by this act, and regulations adopted in  
139 accordance with said section, and on default in payment thereof the  
140 [person's] inmate's participation under section 18-100 shall be revoked.

141 (c) The commissioner or the commissioner's designee shall notify  
142 the Commissioner of Social Services and the welfare department of the  
143 town where the dependents of any [person] inmate employed under  
144 the provisions of section 18-90b, as amended by this act, or 18-100  
145 reside of the amounts of any payments being made to such  
146 dependents.

147 Sec. 5. Section 18-90b of the general statutes is repealed and the  
148 following is substituted in lieu thereof (*Effective July 1, 2011*):

149 (a) The Commissioner of Correction is authorized to establish a pilot  
150 program involving the use of inmate labor in private industry  
151 consistent with governing federal guidelines.

152 (b) The commissioner may enter into such contracts as may be  
 153 necessary to fully implement the pilot program. Such contractual  
 154 agreements may include rental or lease agreements for state buildings  
 155 or portions thereof on the grounds of any institution or facility of the  
 156 Department of Correction and for any real property needed for  
 157 reasonable access to and egress from any such building for the purpose  
 158 of establishing and operating a factory for the manufacturing and  
 159 processing of goods, wares or merchandise or the provision of service  
 160 or any other business or commercial enterprise deemed by the  
 161 commissioner to enhance the general welfare of the inmate population.

162 (c) An inmate may participate in the program established pursuant  
 163 to this section only on a voluntary basis and only after he has been  
 164 informed of the conditions of his employment.

165 (d) No inmate participating in the program shall be paid less than  
 166 the prevailing wage for work of similar nature in private industry.

167 (e) Inmate participation in the program shall not result in the  
 168 displacement of employed workers and shall not impair existing  
 169 contracts for services.

170 (f) Nothing contained in this section shall be deemed to restore in  
 171 whole or in part the civil rights of any inmate. No inmate compensated  
 172 for participation in the program shall be considered to be an employee  
 173 of the state or exempt from the provisions of section 18-84a, as  
 174 amended by this act, or section 18-85a, as amended by this act.

175 (g) The provisions of subsection (j) of section 18-88 shall not apply to  
 176 any articles, materials or products manufactured or produced by  
 177 institutional inmates pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	18-84a
Sec. 2	July 1, 2011	18-85
Sec. 3	July 1, 2011	18-85a

Sec. 4	<i>July 1, 2011</i>	18-101
Sec. 5	<i>July 1, 2011</i>	18-90b

***Statement of Legislative Commissioners:***

In section 1(c), "deposits made" was changed to "deposits [made] credited" for consistency with section 1(b), and in section 2(b), "an account in" was added for accuracy.

***JUD***      *Joint Favorable Subst.-LCO*